



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kelly Good)	Examiner: Newhouse, Nathan
)	Jeffrey
Serial No.:	10/606,627)	Art Unit: 3727
Filed:	06/25/2003)	Attorneys Ref.: P214379
Title:	HOLDING APPARATUS AND METHOD)	
	FOR DISPENSERS OF HARDENABLE)	
	MATERIALS)	

DECLARATION OF STEVE CUPPS

I, Steve Cupps, having a home address of 7337 Miller Road, Anacortes, Washington 98221, state and aver the following:

1. I have been asked by Mr. Kelly Good, the Applicant named in this U.S. Patent Application Serial No. 10/032,780, to comment on certain matters of which I have knowledge. I hereby declare that all statements herein made of my own knowledge are true and that all statements herein made on information and belief are believed to be true.
2. I am currently roofer with Fiddler Roofing. I have been in the roofing industry for approximately 20 years. I consider myself of at least ordinary skill in the roofing trade. I have no financial interest in the invention claimed in the '780 application.
3. I have had a chance to look at U.S. Patent Nos. 6,491,191 to Cleveland, 5,295,601 to Bostelman, 5,302,302 to Shelley et al., and 4,588,116 to Litman.
4. For approximately 1 year, I have used a product sold under the trademark Caulked N' Ready. Before I started and using the Caulked N' Ready caulking gun holder, using a caulking gun would always end up in a sticky mess with caulk all over me and anything within 50 yards. I could use part of a tube and try to save the rest (i.e., by putting a nail in it and wrapping it in a plastic bag). Without fail, I would go to use it the next time and sure enough, it would be hard as a rock. Off to the store for another \$10.00 tube of caulk. Then I was introduced to the Caulked N' Ready caulking gun holder. No more fuss and no more mess. I hook it on my tool belt or

pants. I caulk something and instead of trying to find a place to hang the gun and having it drop all over, I just put it in the holder, no more dripping and it's hands free. No more dried out tubes thanks to the in the holder – it plugs and seals it so it doesn't dry out. Another great thing is that it keeps the caulk and the gun together and protected. I dropped mine off the roof and normally, that's the end of the caulking gun, but in this case, it stayed together and was still fully functional. I love the Caulked N' Ready caulking gun holder.

5. The Caulked N' Ready product is a holder configured to hold dispensing guns for product cartridges containing materials such as adhesives and caulking materials. The Caulked N' Ready product comprises a holding structure defining a side wall and a bottom wall. The structure defines a main opening and a holding chamber, and a plug projection extends from the bottom wall into the holding chamber. The holding chamber is sized and dimensioned to receive the product cartridge.

6. I do not think that the Cleveland and Bostelman patents, taken alone or in combination, disclose, teach, or suggest to one of ordinary skill in the art the Caulked N' Ready product as described in paragraph 5 above. In particular, the Bostelman device is intended to engage the tip of the product cartridge directly and not to be attached to a holster such as the holster shown in the Cleveland patent.

7. The Caulked N' Ready product further has at least one wall opening formed in the holding structure adjacent to the plug projection.

8. I further do not think that the Cleveland, Bostelman, and Shelley patents, taken alone or in combination, disclose, teach, or suggest to one of ordinary skill in the art the Caulked N' Ready product as described in paragraph 7 above. Again, I do not believe that one of ordinary skill in the art would modify either the Cleveland or the Shelley holster to incorporate the Bostelman device. Further, the blind slot 18 in the Shelley holster is provided only to allow the aerosol container stored therein to be lifted and not to provide access to a plug projection.

9. The Caulked N' Ready product further has a plurality of guide ribs that extend from the side wall into the holding chamber. When the product cartridge is placed into the holding chamber, at least one of the guide ribs engages a portion of the dispensing system to facilitate entry of the plug projection into the dispensing opening.

10. I further do not think that the Cleveland, Bostelman, and Litman patents, taken alone or in combination, disclose, teach, or suggest to one of ordinary skill in the art the Caulked N' Ready product as described in paragraph 9 above. The Litman patent discloses ribs 30, but describes these ribs 30 as being flexible to facilitate a snug fit and ease of withdrawal of the item stored in the holster 10. The ribs described in the Litman patent are not guides, and certainly do not disclose, teach, or suggest the a structure that would facilitate entry of the plug projection into the dispensing opening.

11. In summary, I don't see how one of ordinary skill in the art would take parts from various patent disclosures and put them together in a way that would come up with the Caulked N' Ready holder.

12. I, Steve Cupps, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

EXECUTED this 18th day of August, 2005.



Steve Cupps